

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

TYRONE L. FARRIS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-12-1099-W
	)	
C/O FRAZIER, J., <i>et al.</i> ,	)	
	)	
Defendants.	)	

**REPORT AND RECOMMENDATION**

The Plaintiff initiated the present action without payment of the filing fee or a request for pauper status. The action should be summarily dismissed without prejudice to refiling.

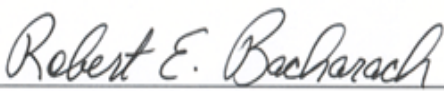
The Court previously directed the Plaintiff to either pay the \$350.00 filing fee or submit a motion for leave to proceed *in forma pauperis*. Order to Plaintiff to Cure Deficiency (Oct. 11, 2012). Mr. Farris was warned that “[f]ailure to comply with this Order may result in the dismissal of this action, without further notice.” *Id.* The deadline expired on November 1, 2012, and Mr. Farris has neither responded nor requested an extension of time to comply.

Under these circumstances, the proceedings should be dismissed without prejudice to the filing of a new action. *Bradenburg v. Beaman*, 632 F.2d 120, 122 (10th Cir. 1980) (*per curiam*) (upholding dismissal of “habeas corpus/civil rights complaint for failure of [the plaintiff/petitioner] to follow the directions under Local Rule 26”).

Mr. Farris is advised of his right to object to this report and recommendation by November 26, 2012. *See* Fed. R. Civ. P. 6(a)(1)(C), 6(d), 72(b)(2); 28 U.S.C.A. § 636(b)(1) (West 2011). If Mr. Farris does object, he must file a written objection with the Court Clerk for the United States District Court, Western District of Oklahoma. The absence of a timely objection would waive Mr. Farris's right to review by the Tenth Circuit Court of Appeals. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

This report discharges the referral.

Entered this 8th day of November, 2012.

  
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Robert E. Bacharach  
United States Magistrate Judge